

7/18/77 [3]

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FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
memo w/ attach	From Brzezinski to the President (6 pp.) re: letter to President Kaunda of Zambia/ enclosed in Hutcheson to Dennis Clift 7/18/77 <i>OPENED 4/3/08</i>	7/18/77	A

FILE LOCATION

Carter Presidential Papers- Staff Offices, Office of the Staff Sec.- Pres. Hand-writing File 7/18/77 [3] Box **38**

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- (B) Closed by statute or by the agency which originated the document.
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THE WHITE HOUSE
WASHINGTON

July 18, 1977

Bert Lance -

For your information, the
attached Message was signed
by the President and has been
given to Bob Linder for
appropriate handling.

Rick Hutcheson

Re: 15th 1977 Special Message
Under the Impoundment
Control Act of 1974

logged 7/15
10

8/1/8/77



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUL 15 1977

MEMORANDUM FOR: THE PRESIDENT
FROM: Bert Lance *B. Lance*
SUBJECT: Fifteenth 1977 Special Message Under the Impoundment Control Act of 1974

The fifteenth 1977 special message to the Congress under the Impoundment Control Act of 1974 is attached for your signature.

This special message proposes two rescissions resulting from your decision not to order production of the B-1 bomber and the associated short range attack missile (SRAM-B). The rescission proposal related to the B-1 bomber totals \$462.0 million while the rescission of short range attack missile funds is for \$1.4 million. These amounts are residuals that remain after netting out the sum of both the estimated unrecoverable obligations and the estimated termination liability from the amounts appropriated for the B-1 (\$1,073 million) and the short range attack missile (\$25.3 million). If both rescission proposals are accepted by the Congress, outlay savings would develop as follows: 1977: \$41.9 million; 1978: \$190.4 million; 1979: \$138.9 million, and 1980: \$55.5 million.

// There is no objection to this proposal from the National Security Council, the Congressional Liaison Staff, or the Domestic Policy Staff. *Defense*

Recommendation

That the special message be transmitted to the Congress following Senate action on the 1978 Defense Appropriation bill but not later than Thursday, July 21, 1977.

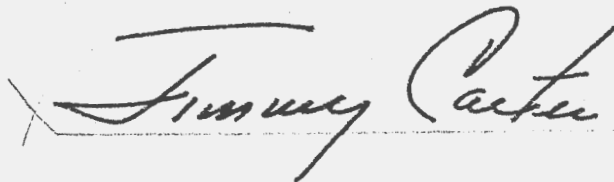
Attachment

Electrostatic Copy Made
for Preservation Purposes

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith propose rescission of \$462.0 million in procurement funds appropriated to the Department of Defense for the B-1 bomber. In addition, I am proposing rescission of \$1.4 million provided to the Department of Defense for procurement of the short range attack missile (SRAM-B).

The details of the proposed rescissions are contained in the attached reports.

A handwritten signature in cursive script, reading "Jimmy Carter". The signature is written in dark ink and is positioned to the right of a horizontal line.

THE WHITE HOUSE,

THE WHITE HOUSE
WASHINGTON

July 18, 1977

Jack Watson

The attached was returned
in the President's outbox today
and is forwarded to you for
your information.

Rick Hutcheson

RE: COPY OF SETTING NATIONAL
PRIORITIES.

THE WHITE HOUSE
WASHINGTON

ACTION
FYI

	MONDALE
	COSTANZA
	EIZENSTAT
	JORDAN
	LIPSHUTZ
	MOORE
/	POWELL
X	WATSON

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER
	Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day

	FOR STAFFING
	FOR INFORMATION
X	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	GAMMILL
	HARDEN
	HOYT
	HUTCHESON
	JAGODA
	KING

	KRAFT
	LANCE
	LINDER
	MITCHELL
	POSTON
	PRESS
	B. RAINWATER
	SCHLESINGER
	SCHNEIDERS
	SCHULTZE
	SIEGEL
	SMITH
	STRAUSS
	WELLS
	VOORDE

THE WHITE HOUSE
WASHINGTON

have copy

C
/

7/17/77

Mr President:

I thought you would
want to have a copy
of this for review &
reference -

Respectfully -

Jack

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

July 18, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: JIM FALLOWS *Ji*
SUBJECT: Additional Talking Points for
Begin State Visit

These additional talking points were submitted by Susan Battles.

A quotation that might really move Prime Minister Begin:

This is from a poem called "Surely The People is Grass," by Chaim Nachman Bialik, who was the first significant poet to write in the modern Hebrew language. In the middle of the poem is a description of a leader that contains these lines:

One in whose heart burn a spark to
enkindle the life blood,
One from whose brow a flame should light up
the path of the people;
One who would treasure the name of his God and
the name of his nation
Far over wealth of gold,
More than the falsehood of idols.

Lifting of head would be his,
Throat in its fulness and power,
Hate of his people's portion,
Their life of scorn and bondage,
Pity as great as the sea,
Compassion as wide as their ruin.

By the way, the name Begin is pronounced with a short "e" so as to rhyme with beggin;, as in "goin' beggin'." It is not pronounced to rhyme with Fagin, as Time Magazine claimed. (That bit of anti-Semitism caused Begin brusquely to turn down Time's request for an interview.

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#

THE WHITE HOUSE
WASHINGTON

July 18, 1977

Stu Eizenstat

The attached was returned in
the President's outbox. It is
forwarded to you for appropriate
handling.

Rick Hutcheson

RE: DOMESTIC POLICY STAFF WEEKLY
STATUS REPORT

THE WHITE HOUSE
WASHINGTON

ACTION
FYI

<input type="checkbox"/>	MONDALE
<input type="checkbox"/>	COSTANZA
<input checked="" type="checkbox"/>	EIZENSTAT
<input type="checkbox"/>	JORDAN
<input type="checkbox"/>	LIPSHUTZ
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<input type="checkbox"/>	SIEGEL
<input type="checkbox"/>	SMITH
<input type="checkbox"/>	STRAUSS
<input type="checkbox"/>	WELLS
<input type="checkbox"/>	VOORDE

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

July 15, 1977

*Stu
J*

MEMORANDUM FOR:

THE PRESIDENT

FROM:

STU EIZENSTAT

Stu

SUBJECT:

DOMESTIC POLICY STAFF WEEKLY STATUS REPORT

CIVIL RIGHTS AND JUSTICE

Undocumented Aliens: We hope to have a memo for your final sign-off submitted today. Justice is scheduled to testify on the Eilberg bill on July 27.

Handguns: Justice will be forwarding proposed draft legislation.

Class Actions: Justice is developing legislation to improve access to Justice through class actions. We have met with them to discuss their proposals.

Nixon Tapes: I met last Monday with Jay Solomon and Bert Rhoads, the Director of the National Archives to further discuss this subject.

ECONOMICS AND BUSINESS

Tax Reform: We continue to consult with Treasury, CEA and outside experts such as Joe Pechman and Stanley Surrey.

*Let
Pechman
Come to see
me*

Kennedy Tax Program: We have an assessment of Senator Kennedy's tax reform program in to you.

Trade Deficit: I am working with Charlie Schultze, Secretary Blumenthal, and Secretary Kreps on this problem.

IRS Policy of Crediting Oil Firms for Cartel Taxes: We have drafted a reply to Senator Church's letter to you concerning this policy.

Trade Adjustment Assistance: We are working with Commerce, STR, and the agencies on a general TAA program. We will have a memo to you within several weeks.

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THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

July 15, 1977

*Stu
J*

MEMORANDUM FOR: THE PRESIDENT
FROM: STU EIZENSTAT *Stu*
SUBJECT: DOMESTIC POLICY STAFF WEEKLY STATUS REPORT

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LABOR

Labor Law Reform: Draft message to you next week.

Humphrey-Hawkins: CEA has a draft alternative bill in hand. Our initial discussions with Humphrey and Hawkins have been encouraging.

Independent R & D: Per your request, an assessment to you next week.

Patents: Assessment to you next week.

Waiver of Dual Compensation for Retired Military Officers: At your request, a paper summarizing your options will be to you today.

HUMAN RESOURCES

National Health Insurance: The next meeting of the Advisory Committee on National Health Insurance will be on July 29 and 30 in Wisconsin.

Privacy Protection Study Commission: We are preparing to implement the Commission's report. The first step is to obtain the views of all relevant agencies.

Hospital Cost Containment Act of 1977: Ways and Means' Health Subcommittee mark-up begins next Tuesday or Wednesday. Interstate and Foreign Commerce's Health Subcommittee mark-up is also expected in the next two weeks, as is the full Senate Human Resources Committee.

Welfare Reform: We are working with HEW and Labor coordinating the preparation of a memorandum outlining the decisions which need to be made before the proposal can be sent to Congress. That memorandum will be sent to you next week. The OMB paper on housing assistance will be sent to you at the same time. The current plan is to send a detailed message to Congress during the first week of August with the bill to follow when Congress returns. We are working to narrow the issues so as to reduce the time you will need to spend on this area.

Child Welfare: The Administration proposal on child welfare services, foster care improvements and subsidized adoptions was announced by the Vice President and presented to Congress by Secretary Califano. The reaction has been generally good from the concerned groups, although they react negatively to any characterization of the proposal as an alternative to abortion.

Age Discrimination: The pressure is mounting for an expression of the Administration's views on the age discrimination legislation in Congress. The House Committee has reported the legislation by a unanimous vote. The Senate Committee has scheduled hearings for later this month. We are working with the Department of Labor and other interested agencies to develop a position.

COMMUNICATIONS

Minority Concerns: We have met with Black and Hispanic groups that want to increase the number of minority-owned broadcasting stations. Proposals to use existing Federal loan programs are being explored. This subject has been put on the agenda of the Interagency Council for Minority Business Enterprise, which is to meet with you shortly.

Telephone Interception: We have worked with NSC and other agencies on a policy to deal with Soviet interception of the domestic telephone system. The report has been submitted to the NSC.

Rural Telecommunications: An interagency task force is drafting proposals to use new communications technology to improve health and education in rural areas and to expand T.V. service. Funding from existing programs such as the Rural Electrification Administration is being explored.

HOUSING AND URBAN AFFAIRS

Federal Home Loan Bank Board: We have prepared substantive briefings, fact statements to be released to the public, and confirmation testimony for Bob McKinney. Frank Moore is directing Congressional lobbying.

Impact of Welfare Reform Upon Subsidized Housing: Working with OMB and HUD on analysis to be completed July 20.

Redlining: Setting up an interagency task force.

AGRICULTURE AND RURAL DEVELOPMENT

Farm Bill: Working with USDA and OMB to promote Administration position with bill coming to the House floor July 15.

Sugar: Trying to fight-off Congressional attempts to undermine our proposed payment program. Should succeed if we can offer some assurance that we will consider other measures (higher tariff?) if international negotiations fail. International exploratory talks resume next week.

World Hunger: A proposal for use of the PRM process to determine Administration policy on this topic is being circulated among appropriate senior staff. USDA and AID are preparing background material.

National Forest Timber Bidding: We are still working on a paper for you on this topic. Should be completed early next week.

Agricultural Conservation Program: Will be providing you a memo to send Secretary Bergland requesting a thorough review of this program. *include channelization ? -*

Interagency Food and Agricultural Policy Coordination: Have worked with Secretary Bergland in preparation of a proposed memorandum for you to send establishing an interagency working group. On its way.

Duty Free Treatment for Sugar Imports: Are collecting comments on a memo to you from Bob Strauss. Will forward by early next week.

Drought Assistance Program: Working with USDA on an assessment of designation of eligible areas and general effectiveness of program delivery.

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for Preservation Purposes**

INTEGRITY AND OPENNESS MATTERS

Executive Order on Logging: Memo prepared by Justice has been reviewed. Justice has submitted a draft executive order which will be in to you tomorrow.

Public Financing of Congressional Campaigns: We are working with the Vice President's staff, Frank Moore's staff and Senate staff on policy and legislative strategy prior to Senate floor vote.

Lobby Reform: Working with OMB and Justice to develop statutory language on executive branch lobbying for inclusion in the House and Senate bills.

Stick to Campaign position

Revision of Security Classification System: The interagency committee, which we are co-chairing with NSC, will present options to the Special Coordinating Committee July 26.

Public Officials Integrity Act: We are working with Frank Moore's staff, Justice, and CSC to assess the situation in the House, following Senate passage June 27.

BUDGET

Our staff and OMB will be meeting together with the agencies over the next few weeks to discuss legislative work to be conducted over the summer in light of our Spring budget review. Our first meeting, with the Department of Agriculture, took place yesterday.

EDUCATION

Bakke Case (affirmative action in higher education): The Justice Department will probably have a position by the end of the month.

Education Reorganization: We are continuing to provide assistance to the OMB Reorganization Team as they assess options for education reorganization.

Legislative Program: We are continuing to work with HEW and the Interagency Task Force on next year's legislative program.

Adams v. Califano (Dual Higher Education System): Initial reaction from the education community is favorable toward the Administration's plan for the desegregation of higher education institutions in southern states. The only negative reaction thus far is from the state of Virginia. We are continuing to monitor.

NATURAL RESOURCES

Minerals Policy: We are working with Frank Press and Interior to initiate a Presidential Review Memorandum response to your request following meeting with Congressman Santini and others.

Oceans Policy: We are working with Commerce and OSTP to initiate an oceans policy study, also using the PRM process.

Water Policy Review: Working with Interior, CEQ and OMB; public comment being solicited this month; final recommendations in November.

Alternate Public Works for Corps of Engineers: Corps has submitted to us a draft memorandum as basis for inter-agency task group.

Strip Mine Bill: Working with Frank Moore's staff on signing ceremony proposal.

Clean Air Act: First conference meeting scheduled for July 18. Working with EPA and Frank Moore to coordinate strategy on auto emissions, prevention of significant deterioration, best available control technology and other issues.

ENERGY

Clinch River Breeder Reactor: Senate voted 48-39 for Church "compromise" for \$75 million in continued funding for CRBR, except no funds to be used for construction activities. House vote put off until week of July 25.

Comprehensive Energy Package: We met on July 14 with Treasury, CEA and Dr. Schlesinger to prepare strategy for the Ashley Committee, including discussion of revenue issue. Memo, with suggested statement, to you by July 18.

Alaskan Natural Gas: Working with Schlesinger's staff to develop schedule and information to reach final decision.

Louisiana Portion of Southern Trip: Working with Tim Smith and others to develop background material, talking points, and details of visit to oil rig for Louisiana trip. Memo to you by July 20th, a.m.

REGULATORY REFORM PROJECTS

Regulatory Reform Agenda: Regulatory Working Group is drafting a decision memo for you. Target date is July 22.

Surface Transport Reform: Following your meeting with Secretary Adams, task force is studying and preparing decision memo for you on options for surface transport reform. DOT memo will circulate to agencies on July 15.

Airline Regulatory Reform: We are continuing to assist the Senate committee in revising the air bill, and we have begun to meet with interested agencies (including the Labor Department) to discuss whether statutory labor protection provisions are necessary.

OSHA Reform: We are working with OMB, CEA and DOL to establish an Interagency Task Force as approved by you. Public announcement for your signature to you by July 22.

Coordination of Toxic Substances Regulation: CEQ has assembled interagency task force for long-term review of the area. The four major toxics regulatory agencies (EPA, OSHA, CPSC and FDA) have begun a major effort to coordinate their activities. Agency heads will meet on July 22 to agree on specifics of program and they will report to you thereafter.

CIVIL SERVICE MATTERS

Republican Hold-over Appointees: After a recent Congressional breakfast, you asked that I look into the problem of Republican hold-over appointees at the Federal and regional level. A decision memo will be sent to you shortly which will suggest actions you can take to remedy the situation.

Part-Time Employment: Along with OMB and the Civil Service Commission, we are studying how part-time federal employment can be expanded. A decision memo to you shortly.

Hatch Act Reform: We are working with the Civil Service Commission to develop testimony for Senate hearings on the 18th and with Frank Moore's staff on Senate legislative strategy.

MISCELLANEOUS

Presidential Reports to Congress: At your request, we are preparing a letter to Congress.

THE WHITE HOUSE
WASHINGTON

Date: July 18, 1977

MEMORANDUM

FOR ACTION:

Stu Eizenstat

Frank Moore

Jack Watson

Charles Warren - *attached*

FOR INFORMATION:

The Vice President
Charles Schultze

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Lance memo dated 7/18/77 re Aircraft Noise Reduction Bill

YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME: 12:00 NOON

DAY: ~~Wednesday~~

DATE: July 20, 1977

ACTION REQUESTED:

☒ Your comments

Other:

STAFF RESPONSE:

☐ I concur.

☐ No comment.

Please note other comments below:

*as of 8/4/77 per Dennis Green
memo withdrawn but
should be held by this
office.*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

THE WHITE HOUSE
WASHINGTON

C. W. W. W.

ACTION	FYI
<input checked="" type="checkbox"/>	MONDALE
<input checked="" type="checkbox"/>	COSTANZA
<input checked="" type="checkbox"/>	EIZENSTAT
<input checked="" type="checkbox"/>	JORDAN
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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUL 18 1977

ACTION

MEMORANDUM FOR: THE PRESIDENT
FROM: Bert Lance *Bha*
SUBJECT: Aircraft Noise Reduction Bill

The purpose of this memorandum is to seek your advice and guidance on certain provisions contained in the current draft of the aircraft noise reduction bill. In an effort to move this bill out of the House Subcommittee on Aviation, the Department of Transportation is suggesting a compromise which would primarily (1) extend the noise compliance deadline from 1983 to 1990 for two and three-engine jets and (2) initiate extensive Federal involvement in a comprehensive land use planning and a land acquisition program for airport areas impacted by aircraft noise. The Office of Management and Budget strongly opposes the introduction of Federal agencies into the land zoning debates of States and localities and the establishment of a program providing funds solely for the acquisition of land surrounding airports. In addition we oppose that aspect of the compromise which would require all airlines (regardless of a carrier's need to quiet its fleet) to collect an environmental surcharge.

Background

- . In early May you made a number of decisions with respect to your position on aircraft noise reduction legislation. Primarily the position reflected the following:
 - opposition to Title I, the portion of the bill which requires extensive Federal involvement in local land-use decisions. Title I now has been expanded with the establishment of funds (\$150 million in 1979, \$250 million in 1980) to acquire land impacted by aircraft noise.
 - opposition to Title II, an \$800 million add-on over the next three years for the Airport and Airways Development Act.
 - support for Title III, the implementation of a voluntary environmental surcharge on passenger tickets and freight waybills to assist carriers in meeting the financial requirements of retrofit, re-engining, or replacement of noisy aircraft.

Discussion

- . The main elements of the Department of Transportation proposed compromise are to (1) support Title I, (2) oppose Title II, (3) mandate an environmental surcharge for all air carriers, and (4) provide carriers with two and most three-engine jets the option of extending the noise compliance deadline from 1983 to 1990 with no funding assistance if the 1990 deadline is chosen. The Department of Transportation believes that such a compromise is needed at this time to obtain Chairman Anderson's promise to initiate airline regulatory reform actions in the House.
- . OMB is unconvinced that now is the appropriate time to try to ensure Chairman Anderson's support for regulatory reform by way of a compromise on aircraft noise reduction financing. We believe that such a compromise should await some definitive action by the House Aviation Subcommittee on regulatory reform.
- . Furthermore we believe that the proposed compromise is unfavorable in the following ways:
 - Federal involvement in local land use decisions is setting a precedent for which little benefits are evident.
 - A separate Federal funding mechanism for land acquisition is a very costly approach to aircraft noise reduction when compared to source noise reduction (e.g. retrofit, re-engineing) and changes in operating procedures.
 - Mandatory application of the environmental surcharge is not consistent with the fare flexibility provisions of airline regulatory reform proposals.
 - With the extension of the noise reduction deadline from 1983 to 1990 for selected aircraft, noise relief for up to eighty percent of the Nation's airports served by scheduled airlines may well be deferred.

Decision: We would like your guidance in the following areas:

- . Seek a compromise on the aircraft noise reduction bill at this time.

Yes ☐ No ☐

If yes then the following issues are raised:

- . Land-use and land acquisition elements of the Department of Transportation's proposed compromise.

Support ☐ Oppose ☐

- . Mandatory application of environmental surcharge.

Support ☐ Oppose ☐

- . Extension of noise reduction deadline for selected aircraft.

Support ☐ Oppose ☐



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 - A separate Federal funding mechanism for land acquisition is a very costly approach to aircraft noise reduction when compared to source noise reduction (e.g. retrofit, re-engineing) and changes in operating procedures.
 - Mandatory application of the environmental surcharge is not consistent with the fare flexibility provisions of airline regulatory reform proposals.
 - With the extension of the noise reduction deadline from 1983 to 1990 for selected aircraft, noise relief for up to eighty percent of the Nation's airports served by scheduled airlines may well be deferred.

Decision: We would like your guidance in the following areas:

- . Seek a compromise on the aircraft noise reduction bill at this time.

Yes ☐ No ☐

If yes then the following issues are raised:

- . Land-use and land acquisition elements of the Department of Transportation's proposed compromise.

Support ☐ Oppose ☐

- . Mandatory application of environmental surcharge.

Support ☐ Oppose ☐

- . Extension of noise reduction deadline for selected aircraft.

Support ☐ Oppose ☐

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

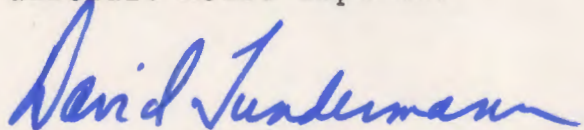
July 20, 1977

MEMORANDUM FOR RICK HUTCHESON
THE WHITE HOUSE

SUBJECT: Lance Memo of July 18, 1977 on Aircraft Noise
Reduction Bill

The Council agrees with OMB that (1) federal involvement in local land use decisions would not be beneficial and in fact would be harmful; (2) the surcharge should not be mandatory; and (3) under no circumstances should the noise regulations be extended. Our explanation of each point follows.

1. The Council opposes Title I because a) federal funding of various land purchase and other programs would probably never be adequate to reduce aircraft noise impacts, especially impacts on existing housing near airports such as JFK, O'Hare, Logan, Atlanta, Los Angeles and San Francisco, and b) it would undermine local efforts to achieve compatible land use zoning without an adequate substitute.
2. The Council favors the "polluter pays" principle, which should be the basis for a ticket noise surcharge. However, a surcharge should be selective, rather than mandatory, so that airlines with quieter aircraft are not penalized and are not forced to cross-subsidize other airlines with older, noisier aircraft.
3. The Council strongly opposes any attempts to delay or weaken the current aircraft noise regulations. The regulations will require retrofit or replacement of older aircraft, which the Council believes is the only realistic method of reducing aircraft noise impacts.



David Tundermann
Acting General Counsel

THE WHITE HOUSE

WASHINGTON

Date: July 18, 1977

MEMORANDUM

FOR ACTION:

Stu Eizenstat
Frank Moore
Jack Watson
Charles Warren

FOR INFORMATION:

The Vice President
Charles Schultze

HS

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Lance memo dated 7/18/77 re Aircraft Noise Reduction Bill

YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME: 12:00 NOON

DAY: Wednesday

DATE: July 20, 1977

ACTION REQUESTED:

☒ Your comments

Other:

STAFF RESPONSE:

☐ I concur.☐ No comment.

Please note other comments below:

*I generally concur with the need to appear
willing to compromise on this issue. The
question is one of timing and it is important
that Chairman Anderson be party to any deal's bill.*

*Concur in Cable's comments. Senator Cannon should
be a party to any "deals" also*
D Tate

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required

Cabinet
7-18-77

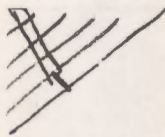
THE WHITE HOUSE
WASHINGTON

- PW # → small communities
- NY Blackout looting
- VP trousers length
- Reductions in tariff
- > Charleston speech - Shulman
- > Maryland inc tax bill
- Vance briefing
- > Schmidt/Begin visits
- Campaign appearances - Moore
- > 125 use atomic weapons
- > Working supper size
- Abortions
- > Panama - new canal

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THE WHITE HOUSE
WASHINGTON

- > Prior appeal to consumers
- > Action by power companies
- > Grid system
- > National Guard training
- > Farm bill all week
- > NY blackout → finances
- > Decline of \$
- > Coal meeting
- > Welfare fund. → DC → NYC
- Organized crime
- Regional reorg
- PRM
- > Alaskan pipeline



7059

THE WHITE HOUSE
WASHINGTON

6/14 Bil Collect. Def App
- 2500// US 75000 1/2 < 50M 1/2 > 50M
- Ad hoc Energy committee
Funds for Xport
MTN - schedule looks good
strategic oil reserve
FPL → NYC power failure

THE WHITE HOUSE
WASHINGTON

July 18, 1977

Hamilton Jordan

The attached was returned in
the President's outbox. It is
forwarded to you for appropriate
handling.

Rick Hutcheson

cc: Jim King

RE: JUDICIAL APPOINTMENT TO THE
FIFTH CIRCUIT COURT OF APPEALS
WESTERN DISTRICT

THE WHITE HOUSE
WASHINGTON

ACTION
FYI

	MONDALE
	COSTANZA
	EIZENSTAT
X	JORDAN
	LIPSHUTZ
	MOORE
	POWELL
	WATSON

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER
	Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day

	FOR STAFFING
	FOR INFORMATION
X	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	GAMMILL
	HARDEN
	HOYT
	HUTCHESON
	JAGODA
X	KING

	KRAFT
	LANCE
	LINDER
	MITCHELL
	POSTON
	PRESS
	B. RAINWATER
	SCHLESINGER
	SCHNEIDERS
	SCHULTZE
	SIEGEL
	SMITH
	STRAUSS
	WELLS
	VOORDE

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

July 14, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: HAMILTON JORDAN *HJ*

SUBJECT: Judicial Appointment to the Fifth
Circuit Court of Appeals, Western Portion

Attorney General Bell recommends as his first choice for the vacancy in the western portion of the Fifth Circuit Court of Appeals, (Texas and Louisiana) Judge Alvin B. Rubin. Judge Rubin was recommended by the U.S. Circuit Judge Nominating Commission of the Western Fifth Circuit Panel. The Panel listed its five recommendations in alphabetical order, with no preference listing.

We have consulted with Judge Bell, Bob Lipshutz and Frank Moore, and the consensus is that Judge Rubin is the best candidate. He is the first choice of Judge Bell, and the choice of Senators Long and Johnston.

I recommend you approve the recommendation of Judge Alvin B. Rubin of New Orleans for the vacancy on the U.S. Court of Appeals for the Fifth Circuit.

APPROVE JUDGE RUBIN ☒ DISAPPROVE ☐

Other: _____

Attachment

HJ

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Office of the Attorney General
Washington, D. C.

June 28, 1977

MEMORANDUM TO THE PRESIDENT

RE: Judicial Appointment to the Fifth Circuit
Court of Appeals, Western Portion

There is currently one vacancy in the western portion of the Fifth Circuit Court of Appeals, i.e., Texas and Louisiana. The Panel was instructed to recommend to you only names of individuals residing in Louisiana. The Panel's report is attached, together with a brief resume on each of the persons recommended.

My first choice would be Judge Alvin B. Rubin. Judge Rubin has been a United States District Judge since 1966, has an outstanding reputation, and is the choice of Senators Long and Johnston. A second choice is difficult. It would be either Max Nathan, Jr. or Henry Politz, both excellent private practitioners. If Judge Rubin is not satisfactory to you for some reason, I will be happy to advise further as to the others.

Griffin B. Bell

Griffin B. Bell
Attorney General

Attachments

United States Circuit Judge Nominating Commission

Western Fifth Circuit Panel

Please reply to:

William C. Harvin
3000 One Shell Plaza
Houston, Texas 77002

June 20, 1977

President Jimmy Carter
The White House
Washington, D. C. 20500

Dear Mr. President:

Your letter of April 29, 1977 requesting the assistance of the Panel in filling the vacancy on the United States Court of Appeals for the Fifth Circuit created by the retirement of the Honorable John Minor Wisdom was received on May 2, 1977.

In accordance with your directives the Panel published notice of the vacancy throughout Louisiana inviting suggestions as to potential nominees. It then made inquiries and conducted hearings to identify those persons who are well qualified to serve as a United States Circuit Judge.

The Panel is pleased to recommend to you four persons it considers best qualified to fill this vacancy. They are, in alphabetical order, as follows:

MAX NATHAN, JR., Attorney, New Orleans.

HENRY A. POLITZ, Attorney, Shreveport.

ALVIN B. RUBIN, U. S. District Judge, New Orleans.

ALBERT TATE, JR., Associate Justice, Louisiana Supreme Court, New Orleans.

Enclosed is further information on each person recommended.

It has been a pleasure for the Panel to assist you in your selection of a nominee to fill this vacancy.

Respectfully,

William C. Harvin

William C. Harvin
Chairman

WCH/54
Enclosure

ALVIN B. RUBIN - SUMMARY

United States District Judge, New Orleans, age 57.

Education: Louisiana State University B.S. in Business Administration 1941; LL.B. 1942. Editor of the Law Review, Order of Coif, first in class.

Legal Experience: Practiced law in Baton Rouge as member of the firm of Sanders, Miller, Downing & Rubin 1946-1966. United States District Judge, Eastern District of Louisiana 1966 to date.

Law Teaching Experience: Currently visiting lecturer in law at L.S.U. Law School, where he has taught parttime since 1946.

Health: Excellent.

Reputation: Highly regarded as a legal scholar and as an outstanding United States District Judge.

MAX NATHAN, JR. - SUMMARY

Attorney, New Orleans, age 43.

Partner in the firm of Sessions, Fishman, Rosenson, Snellings & Boisfontaine.

Education: Northwestern University B.A. 1956, Phi Beta Kappa. Yale Law School 1956-7; 1958-9; University of Geneva Law School, Switzerland 1957-8; Tulane University Law School J.D. 1960. Board of Editors Tulane Law Review; Order of Coif; highest average senior class.

Legal Experience: Law clerk to Honorable John Minor Wisdom, United States Fifth Circuit Court of Appeals 1960-61. Monroe & Lemann 1961-64 - associate. Sessions, Fishman firm 1965 to present.

Law Teaching Experience: Tulane University Law School 1965 to present, full professor on parttime faculty. Louisiana State University Law School instructor in the Bar review course, nine years.

Health: Excellent.

Reputation: Highly regarded as outstanding practicing lawyer and legal scholar.

HENRY A. POLITZ - SUMMARY

Attorney, Shreveport, age 45.

Partner in the firm of Booth, Lockard, Jack, Pleasant & LeSage.

Education: Louisiana State University B.A. 1958; LL.B. 1959.
Board of Editors L.S.U. Law Review, Order of Coif, elected
"outstanding law graduate" of class.

Legal Experience: Practicing attorney with Booth, Lockard, Jack,
Pleasant & LeSage 1959 to date.

Law Teaching Experience: Visiting professor of law, L.S.U. Law
School, summer term 1977. Visiting lecturer L.S.U. Law School
occasionally since 1972.

Health: Excellent.

Reputation: Highly regarded as outstanding practicing lawyer
with a strong record of professional and community activities.

ALBERT TATE, JR. - SUMMARY

Associate Justice, Louisiana Supreme Court, New Orleans, age 57.

Education: Yale University 1937-38; Louisiana State University 1938-39; George Washington University B.A. 1941, special honors in English; Yale Law School 1941-42, 1946-47, LL.B. 1947; L.S.U. Law School 1947-48.

Legal Experience: Practicing attorney, Tate and Fusilier, Ville Platte, Louisiana 1948-54. Judge, Louisiana Court of Appeals, First Circuit, Baton Rouge 1954-1960. Presiding Judge, Louisiana Court of Appeals, Third Circuit, Lake Charles 1960-1970. Associate Justice, Supreme Court of Louisiana 1970 to date.

Law Teaching Experience: Professor of Law, L.S.U. Law School, Baton Rouge 1967-8. Parttime lecturer, L.S.U. Law School 1968-9. Faculty discussion leader, Appellate Judges Seminars, Institute of Judicial Administration, New York University, each summer 1966-76.

Health: Excellent.

Reputation: Highly regarded as outstanding State Court Appellate Judge and legal scholar.

THE WHITE HOUSE
WASHINGTON

July 18, 1977

Hamilton Jordan

The attached was returned in
the President's outbox. It is
forwarded to you for appropriate
handling.

Rick Hutcheson

cc: Bob Lipshutz
Jim King

RE: JUDICIAL APPOINTMENT TO THE
FIRST CIRCUIT COURT OF APPEALS

THE WHITE HOUSE
WASHINGTON

ACTION	FYI
	MONDALE
	COSTANZA
	EIZENSTAT
X	JORDAN
X	LIPSHUTZ
X	MOORE
	POWELL
	WATSON

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER
	Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day

	FOR STAFFING
	FOR INFORMATION
X	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	GAMMILL
	HARDEN
	HOYT
	HUTCHESON
	JAGODA
X	KING

	KRAFT
	LANCE
	LINDER
	MITCHELL
	POSTON
	PRESS
	B. RAINWATER
	SCHLESINGER
	SCHNEIDERS
	SCHULTZE
	SIEGEL
	SMITH
	STRAUSS
	WELLS
	VOORDE

~~THE~~ PRESIDENT HAS ~~SENT~~

THE WHITE HOUSE
WASHINGTON

July 14, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: HAMILTON JORDAN *HJ*

SUBJECT: Judicial Appointment to the First
Circuit Court of Appeals

Attorney General Bell recommends that this seat be awarded to New Hampshire, and on that understanding he recommends Judge Hugh Bownes as the best candidate for this seat. Judge Bownes was recommended by the U.S. Circuit Judge Nominating Commission First Circuit Panel. The Panel listed its five recommendations in alphabetical order, with no preference listing.

We have consulted with Judge Bell, Bob Lipshutz and Frank Moore, and the consensus is that Judge Bownes is the more qualified of the candidates. Bownes is strongly supported by Senators McIntyre and Durkin.

I recommend you approve the recommendation of Judge Hugh Bownes for the First Circuit Court of Appeals.

APPROVE JUDGE BOWNES _____ DISAPPROVE _____

Other: _____

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Why are we deciding which state gets a judge? This is not merit selection.
J C



Office of the Attorney General
Washington, D. C.

July 14, 1977

MEMORANDUM TO THE PRESIDENT

RE: First Circuit Court of Appeals

A copy of the report of the Commission and brief resumes of those recommended are attached. I understand that a decision has been made, in which I concur, to award this seat to New Hampshire. On that understanding I recommend Judge Hugh Bownes as the more qualified of the two candidates. My understanding is that Gross is unacceptable to a large portion of the Bar in New Hampshire. Bownes is strongly supported by Senators McIntyre and Durkin.

Griffin B. Bell

Griffin B. Bell
Attorney General

Attachments

United States Circuit Judge Nominating Commission

FIRST CIRCUIT PANEL

Please reply to:

Prof. P. A. Freund
Harvard Law School
Cambridge, Massachusetts
02138

June 20, 1977

The President
The White House
Washington, D.C.

Dear Mr. President,

I take pleasure in presenting the recommendations of the Judicial Selection Commission for the vacancy on the First Circuit Court of Appeals.

The Commission held three meetings, at each of which there was a virtually full attendance of the members. At the third meeting the Commission interviewed twelve candidates: four from New Hampshire, six from Rhode Island, and two from Puerto Rico.

The following are the five persons whom we wish to recommend, listed in alphabetical order:

Honorable Hugh H. Bownes, U.S. District Judge for
the District of New Hampshire

Martin L. Gross, Esq., practicing attorney, Concord,
New Hampshire.

Honorable Frank Licht, practicing attorney (former
Superior Court Judge and Governor), Providence,
Rhode Island

Honorable Florence Murray, Judge of the Superior
Court, Providence, Rhode Island

Honorable Joseph R. Weisberger, Presiding Judge of
the Superior Court, Providence, Rhode Island.

Appended in a separate attachment is a short résumé of each of these individuals. Their completed questionnaires, together with samples of their professional writing, are being sent under separate cover.

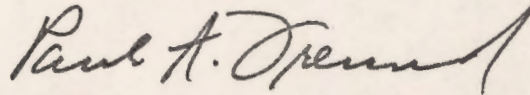
JUN 23 8 46 AM '77
DEPT. OF JUSTICE
MAIL ROOM
ORON

The President

June 20, 1976

Perhaps it should be added that several persons who were invited to submit credentials declined on the ground of age or for other personal reasons. Among these were Chief Justice Alfred H. Joslin of the Supreme Court of Rhode Island and Judge Raymond Pettine, Chief Judge of the U.S. District Court for Rhode Island.

Respectfully,

A handwritten signature in dark ink, appearing to read "Paul A. Freund". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Paul A. Freund
Chairman of the Panel

Joseph R. Weisberger. Presiding Judge, Superior Court of R.I.

Age: 56

Education: College: Brown (Phi Beta Kappa); Law: Harvard (100/395).

Experience: Practice in Providence, R.I. Member (Republican) State Senate, 1952-1956 (minority leader in last year). Appointed to Superior Court in 1956. Has lectured extensively on constitutional aspects of criminal law, and on free press and fair trial.

Endorsed by Chief Justice Joslin of R.I. Supreme Court; Justice Wm. MacKenzie of R.I. Superior Court; James Edwards of Edwards and Angell, Providence; Judge Pettine, U.S. District Court, R.I.

Judge Weisberger was close to nomination by President Ford as U.S. District Judge, and was fully checked by the ABA and FBI; the nomination was apparently forestalled by the candidacy of a right-wing Republican, who, however, failed to secure the necessary clearance, and no appointment was made. Though appointed to the bench by a Republican, Judge Weisberger is regarded as nonpolitical. He is widely praised as a scholarly judge and has been in wide demand for responsible roles in bar association and other educational work. He is chairman-elect of the National Conference of State Trial Judges and is a Board member of the National Center for State Courts. At the interview he was impressive in his close knowledge of Supreme Court cases in the field of criminal procedure, on which he has lectured. He is the only candidate who received the vote of every member of the Commission.

Florence K. Murray. Judge, Superior Court, R.I.

Age: 60

Education: College: Syracuse; Rhode Island College of
Education; Law: Boston University (17/185).

Experience: Practice in Newport, R.I. alone and with husband.
Member (Democratic), R.I. State Senate; appointed
to Superior Court 1956.

Judge Murray was the first woman appointed to the bench in Rhode Island. (The number of women of requisite experience in the profession in R.I., N.H., and P.R. is virtually nil). Her opinions furnished to the Commission (they are not published, though available to the profession, in R.I.) are weighted on the side of fact-finding, and characteristically summarize with care the testimony of the principal witnesses.

Frank Licht. Practicing lawyer, Providence, R.I.; formerly Judge of R.I. Superior Court and subsequently (1969-1973) Governor of Rhode Island.

Age: 61.

Education: College: Brown (Phi Beta Kappa, Class Valedictorian); Law: Harvard (Member of Board of Student Advisors, 38/407).

Experience: Law clerk to U.S. District Judge Mahoney; private practice, 1943-1956; Superior Court Judge, 1956-1968; Governor, 1969-1973; private practice since 1973. One of the draftsmen of R.I. Rules of Civil Procedure, modeled on the Federal Rules, and expositor of the Rules on Superior Court.

Endorsed by Senator Pell, Governor Garrahy of R.I., Prof. Robert Kent of Boston Univ. Law School (who worked with him on the R.I. Rules), and James Edwards of Edwards and Angell, Providence (though politically opposed).

He is slightly above the stipulated maximum age, but the Commission regards him as possessing the necessary vigor. His analytical powers and fair-mindedness as a trial judge are recalled appreciatively by members of the bar.

Martin L. Gross. Practicing lawyer, Concord, N.H. Partner in
Suloway, Hollis, Godfrey & Soden.

Age: 38

Education: College: Harvard (magna cum laude); Law: Harvard
(cum laude, 116/513).

Experience: Law clerk to U.S. District Judge Connor; practice
as noted above, including substantial trial and
appellate litigation in federal court. Though a
Democrat, he served 1970-1972 as legal counsel to
a Republican Governor of N.H., with special re-
sponsibility for taxation and corrections system.
Presently counsel to Democratic State Committee.
Draftsman of numerous legislative measures, includ-
ing N.H. Business Profits Tax. Lecturer on Federal
Procedure. Mayor of Concord (part-time, largely
honorific).

Endorsed by Chief Justice Kenison of N.H. Well regarded by
Judges of U.S. Court of Appeals.

His legal experience is slightly below the durational standard,
thirteen years, but the Commission regards the nature and importance
of his experience as compensating for its relative brevity. At the
interview he expressed admiration for Chief Justice Warren, while
stressing the need for greater precision and craftsmanship in the
writing of opinions.

Résumé of Individuals Recommended
for the First Circuit Court of Appeals
(in alphabetical order)

Hugh H. Bownes. U.S. District Judge, N.H.

Age: 57

Education: College: Columbia. Law: Columbia (upper third of class)

Experience: General practice, Laconia, N.H., 1948-1967. Mayor of Laconia, 1963-1965. Democratic State Committeeman for N.H., 1963-1965. Judge, Superior Court of N.H., 1965-1967. Judge, U.S. District Court, 1967-present.

Endorsed by Chief Justice Kenison of N.H.; U.S. District Judge Pettine, R.I.; Senators McIntyre and Durkin of N.H.

Known as a very efficient, assiduous judge, whose opinions show familiarity with current legal literature. A courageous judge, frequently a target, because of his support of civil liberties, of the publisher William Loeb. His rate of reversal by the Court of Appeals is the highest in the circuit; he alluded to it in the interview, explaining that on occasion he lacked time, which he would have on the Court of Appeals, to write a more careful opinion; and that on other occasions he felt he was wrongly reversed. To this it should be added that in tort cases he has been disposed to take a more "liberal" (i.e., plaintiff-oriented) view of state law, and of choice of law, than the Court of Appeals. Instructive examples of reversals are the following: Barrett v. Foster-Grant Co., 450 F.2d 1146; U.S. v. Flannery, 451 F.2d 880; French v. U.S., 487 U.S. 1246; Colby College v. Colby College, N.H., 508 F.2d 804; Bennett v. Public Serv. Co., 542 F.2d 92 (see also 514 F.2d 1147); SEC v. World Radio Mission, 544 F.2d 535.

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

9

MEMORANDUM TO: THE PRESIDENT

FROM:

Jack Watson *Jack*

July 16, 1977

RE:

Proposed Agenda for the Cabinet Meeting, Monday, July 18, 1977

1. Reminder to the Cabinet of Cy Vance's briefing Monday, June 18, 5 - 7 p.m;
2. Comments about your trip on Thursday and Friday to South Carolina, Mississippi and Louisiana;
3. Brief comments regarding your discussions with Chancellor Schmidt;
4. Brief comments regarding your three-hour meeting on tax reform with Mike Blumenthal, et al (you might announce that Mike will be meeting with other members of the Cabinet to discuss the proposals, and that you are eager for other members of the Cabinet to give you and Mike their advice and comments on the subject);
5. Brief comments regarding the EOP reorganization plan which was submitted to the Congress on Friday.

**Electrostatic Copy Made
for Preservation Purposes**

CC: The Vice President

THE WHITE HOUSE

WASHINGTON

July 15, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: FRANK MOORE *Fm.*
SUBJECT: CAMPAIGN SCHEDULING

Tim Kraft and I, and others, have had several meetings to plan an overall system for scheduling of campaign appearances. We will approach this similar to the way we did in the campaign; that is, we will take a look at the political situation state by state and race by race and determine where we should concentrate our efforts, rather than waiting to respond to individual invitations.

To the extent possible we should coordinate the appearances of:

The President
The Vice President
The First Lady
The First Family
Mrs. Mondale
The Cabinet
Senior Staff

Requests for campaign appearances have increased substantially over the last few weeks and this coordination will insure that we allocate our resources wisely and fairly.

I think it would be helpful to mention this at the next Cabinet meeting and ask their cooperation. This will avoid one candidate securing a number of appearances and others being unable to.

It would also be helpful if you could ask the Cabinet to submit a list of the appearances they have already made or accepted so we can begin to keep track.

We will be strongly encouraging everyone to do joint appearances when possible, such as state party fundraisers to finance joint statewide campaign.

If you wish I can draft a letter or memorandum from you outlining our procedure.

5:00 p.m.

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE
WASHINGTON

July 18, 1977

9
1

MEMORANDUM FOR THE PRESIDENT

FROM: Jack Watson *Jack*

SUBJECT: Briefing by Secretary Vance for
You and Mrs. Carter
The Vice President and Mrs. Mondale
Cabinet Members and Spouses
Senior White House Staff and Spouses
Family Theatre, 5:00 to 7:00 p.m.

Secretary Vance plans to talk about the State Department and then give an overview of the priorities in our foreign policy.

We will have a light supper after his briefing at about 6:30 p.m. A list of attendees is attached.

Attachment

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+

Briefing by Cy Vance

Monday, July 18, 1977; 5:00-7:00 p.m., Family Theatre

ATTENDEES:

Mr. and Mrs. Brock Adams

Mr. and Mrs. Harold Brown

Ambassador and Mrs. Robert Strauss

Dr. Zbigniew Brzezinski

Mr. and Mrs. Griffin Bell

Mr. and Mrs. Bob Bergland

Mr. Joseph Califano

Judge and Mrs. Patricia Harris

Mr. and Mrs. Bert Lance

Mr. and Mrs. James Schlesinger

Admiral and Mrs. Stansfield Turner

Mrs. Cy Vance

White House Staff

Mr. and Mrs. Robert Lipshutz

Mr. and Mrs. Frank Press

Midge Costanza

Mr. and Mrs. Frank Moore

Mr. and Mrs. Hamilton Jordan

Mr. Jody Powell

Mr. and Mrs. Stuart Eizenstat

Mary Hoyt

Gretchen Poston

Ann Anderson

Madeline MacBean

Jane Fenderson

Cathy Cade

Susan Battles

Jim Fallows

Rick Hertzberg

Achsah Nesmith

Griffin Smith

Jack Watson

1:55 p.m.

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

July 15, 1977

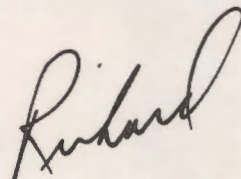
MEETING WITH INAUGURAL FINANCE COMMITTEE

Monday, July 18, 1977

1:55 p.m. (5 minutes)

Oval Office

From: Richard Harden



I. PURPOSE

The purpose of this meeting is to provide you with the final report of the Inaugural Finance Committee.

II. BACKGROUND, PARTICIPANTS, AND PRESS PLAN

A. Background: Inaugural Guaranty Funds of \$1.2 million raised by this committee were refunded in full in early April. Assistance to the Inaugural Committee's contribution drive was completed in February. The Finance Committee Co-Chairmen and the Committee members added much credibility and talent to inaugural resources.

B. Participants:

Staff: Richard Harden - White House
David Smoak - Inaugural Controller
A. D. Frazier - Inaugural Administrator

Co-Chairmen: Bert Lance
Dick Kattel
Gordon Jones

Other: Herb McKoy - Assistant to Mr. Jones

C. Press Plan: White House photographer - photographs of individuals with the President.

III. TALKING POINTS

As desired.

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for Preservation Purposes**

2:30 p.m.

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

July 16, 1977

MEETING WITH THE ATTORNEY GENERAL
CONCERNING ORGANIZED CRIME

Monday, July 18, 1977
2:30 p.m. (20 minutes)
The Oval Office

From: Margaret McKenna
Robert Lipshutz

REL / [initials]

I. PURPOSE

The purpose of this meeting is to discuss the Justice Department's program concerning organized crime.

II. BACKGROUND, PARTICIPANTS & PRESS PLAN

- A. Background: The Attorney General has forwarded Justice's report on organized crime. You have seen the report as well as the summary prepared in this office. After receiving the report you requested that this meeting be set up.
- B. Participants: In addition to the Attorney General, those attending the meeting will be the Vice President, Gail Harrison of the Vice President's staff, Benjamin Civiletti, Assistant Attorney General, Criminal Division, Robert Lipshutz and Margaret McKenna.
- C. Press Plan: There will be no press coverage.

III. TALKING POINTS

The meeting should consist primarily of the Attorney General and Mr. Civiletti explaining the important features of Justice's program for attacking organized crime.

THE WHITE HOUSE
WASHINGTON

July 18, 1977

Dennis Clift -

The attached is being forwarded
to the President. The attached
copy is for your information.

Rick Hutcheson

Re: Letter to President Kaunda
of Zambia on Zimbabwe

~~CONFIDENTIAL ATTACHMENT~~

~~CONFIDENTIAL~~

THE WHITE HOUSE

4220

WASHINGTON

~~CONFIDENTIAL~~

July 18, 1977

MEMORANDUM FOR: THE PRESIDENT

FROM: ZBIGNIEW BRZEZINSKI 25

SUBJECT: Your Letter to President Kaunda of Zambia
on Zimbabwe

I attach at Tab A your letter to President Kaunda in response to his letter to you at Tab B. President Kaunda's letter was dated June 21, but did not arrive until the 29th. It was due at the NSC from State on July 6 and arrived July 11. Because of the increasingly fluid situation in Southern Africa (with a hardening of the Nationalists position and the re-emergence of the possibility of the internal option in Rhodesia), it had to undergo some extensive redrafting last week.

Your letter makes the substantive points of urging continued efforts to bring about a negotiated Zimbabwe settlement, clearly expresses our concern that support among some African groups for a negotiated settlement seems to be weakening, expresses the importance of keeping the door open for a negotiated settlement in the midst of difficult circumstances, and asks Kaunda's assistance in persevering towards a negotiated settlement. Your letter also expresses concern over Ian Smith's intransigence.

Equally important, your letter also shows understanding for the weariness of Kaunda and Zambia from struggling against the Smith regime since 1965, and sensitivity to the conflicting pressures around the idea of a negotiated settlement. Zambian cooperation is crucial to achieve success in Zimbabwe and important also for the South African and Namibian situations. President Kaunda has expressed great respect for you and Vice President Mondale. This letter aims to establish a basis for us to effectively urge his assistance in gaining a negotiated settlement.

~~CONFIDENTIAL~~~~CONFIDENTIAL~~

DECLASSIFIED

MR-NLC-06-097
PER 9/2/07 STATE LTR
C NARS, DATE 3/29/01

CONFIDENTIAL

CONFIDENTIAL

-2-

President Kaunda on the same date also wrote to Vice President Mondale in similar terms. The primary difference is that Kaunda specifically congratulated the Vice President for our taking the position in Vienna that progress on the South African, Namibian, and Zimbabwe situations must be achieved without the former being held hostage to the latter. The Vice President's letter is briefer, reaffirms the policy for which we were congratulated, and breaks no new ground.

RECOMMENDATION

That you sign the letter to President Kaunda at Tab A.

CONFIDENTIAL

THE WHITE HOUSE
WASHINGTON

Dear Mr. President:

Thank you for your letter of June 21 recounting your journey to inform European leaders of your views on the crucial situation in Southern Africa. Officials of my government have now provided me with accounts of the conversations with Mr. Chona and Mr. Mulaisho. Their discussions helped us better understand and appreciate Zambian concerns about the gravity of the situation.

I understand your discouragement at the slow pace of the diplomatic effort on Zimbabwe. Zambia, I know, along with the other Front Line states, continues to bear a great burden in this conflict. But I strongly believe that we must make every effort to bring about a settlement through negotiations, notwithstanding strong pressures in other directions. I believe that this endeavor is the best hope to secure justice for all parties, prevent a dangerous widening of the conflict, and ultimately protect the welfare of everyone involved.

It concerns me that support among some African groups for a negotiated settlement is apparently weakening. Specifically, some of the nationalists seem to be abandoning their earlier willingness to cooperate in the consultative effort to achieve an acceptable solution to the Rhodesian problem. Their cooperation is crucial to the evolution of an independent and stable Zimbabwe. I continue to believe that if the ideas which are being reviewed by the interested parties get a fair hearing, proposals can be developed that reasonable people on all sides will see as fair, even in this difficult conflict.

Rhodesia is not only a problem of war, as you say; it is also a problem of eliminating the cause of war by achieving majority rule in Zimbabwe. Thus, I believe we must keep the door open to a negotiated settlement. Your support in this difficult enterprise, which I have appreciated, will continue to be vital to its success.

DECLASSIFIED
MR. NAC-06-099
R62 9/12/07 STATE/SEC
BY 2 NARS, DATE 3/29/08

I am very much aware that if any of the major parties involved is not truly committed to the search for peace and justice in Zimbabwe, a negotiated settlement will be much more difficult. In this regard, I understand and share your concern about Mr. Smith. We will be consulting with the British Foreign Minister this week to see what further efforts can be made with Mr. Smith.

The United States remains dedicated to working for a negotiated solution which will lead to a free and fully independent Zimbabwe. Again, I want to underline my belief that this endeavor can succeed, and to assure you that I will continue to give it my strong support.

Sincerely,

His Excellency
Dr. Kenneth D. Kaunda
President of the Republic of Zambia
Lusaka

State House
Lusaka, Republic of Zambia

21st June, 1977.

Dear Mr President,

I have just completed a long tour of European countries which included my attendance at the Commonwealth Conference in London. Three weeks is a long time for one to be away from one's country. But I have found it imperative at this crucial time in the history of our region to make one final attempt to get European leaders to understand the gravity of the situation in Southern Africa.

I have stressed in all my discussions that Smith and Vorster have blocked the way to genuine negotiations to end a very dangerous armed conflict. While the African nationalists together with the United States and Britain may be genuine in their declarations of commitment to negotiations to achieve majority rule, Smith and Vorster show no similar commitment. On the contrary, every word and action from Pretoria and Salisbury underline our conviction that they are preparing for a war on a scale wider than ever before. Repressive measures are increasing. Massacres of innocent people are increasing. Indiscriminate detention, restrictions and imprisonment have been intensified by minority regimes. Acts of aggression against neighbouring countries of Mozambique, Botswana and Zambia are increasing.

These are not the actions of men committed to peace.

/...

His Excellency Mr. Jimmy Carter,
President of the United States of America,
The White House,
WASHINGTON D.C.

DECLASSIFIED

MR. NL/C 06.097

RE 9/12/07 STATE 6700

BY C NARS, DATE 3/2/08

I understand your intentions and your commitment to the aims and objectives you have so eloquently enunciated. However, I have little hope that the racists will co-operate.

I wish the British Government were more positive in their actions. Rhodesia is not a legal problem. It is a problem of war and I wish this were understood. If it were, I am positive that appropriate action would be taken to end the crisis which poses a threat to international peace and security.

I am sending Mark Chona again together with Dominic Mulaisho, my Economic Advisor to bring this message to you and to hold discussions with your Government officials.

While the European countries I have visited show understanding, I am not going back home with any hope for positive action on Smith and Vorster in Zimbabwe and Namibia, let alone in South Africa itself.

May I end by wishing you good health, continued success and God's blessings.

Yours sincerely,

1/0

PRESIDENT OF THE REPUBLIC OF ZAMBIA

THE WHITE HOUSE

WASHINGTON

Date: July 14, 1977

MEMORANDUM

FOR ACTION:

Dennis Green

FOR INFORMATION:

The Vice President
Midge Costanza
Hamilton Jordan
Frank Moore
Jack Watson
Joe Aragon

Zbig Brzezinski

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Eizenstat's memo dated 7/13/77 re Undocumented Aliens -
Final Decisions.

YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME:

DAY:

DATE: IMMEDIATE TURNAROUND

ACTION REQUESTED:

☒ Your comments

Other:

STAFF RESPONSE:

☐ I concur.

☐ No comment.

Please note other comments below:

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

THE WHITE HOUSE

WASHINGTON

July 13, 1977

MEMORANDUM FOR: THE PRESIDENT

FROM: STU EIZENSTAT *Stu*

SUBJECT: Undocumented Aliens - Final Decisions

For the past several weeks, we have used the guidance you supplied on our last undocumented aliens memo to consult with the entire cross-section of interested parties: Members of Congress (principally Eastland, Eilberg, Bentsen, Hathaway, Cranston, Kennedy and Rodino),

Executive (at last weekend's conference), Mexican-American, Oriental Americans, the AFL-CIO, business groups, and the British government. An inter-agency White House staff team visited top Mexican officials in Mexico last week; yesterday Secretary Vance and I visited Foreign Minister, who left the outlines of the program.

THE WHITE HOUSE
WASHINGTON

Those who appreciated our efforts; but more importantly, they provided many valuable ideas.

ACTION
FYI

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<input checked="" type="checkbox"/>	COSTANZA
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<input checked="" type="checkbox"/>	WATSON

<input checked="" type="checkbox"/>	ENROLLED BILL
<input checked="" type="checkbox"/>	AGENCY REPORT
<input checked="" type="checkbox"/>	CAB DECISION
<input checked="" type="checkbox"/>	EXECUTIVE ORDER
<input checked="" type="checkbox"/>	Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day

<input checked="" type="checkbox"/>	FOR STAFFING
<input checked="" type="checkbox"/>	FOR INFORMATION
<input checked="" type="checkbox"/>	FROM PRESIDENT'S OUTBOX
<input checked="" type="checkbox"/>	LOG IN/TO PRESIDENT TODAY
<input checked="" type="checkbox"/>	IMMEDIATE TURNAROUND

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<input checked="" type="checkbox"/>	HARDEN

Dr. 11/15- 9/11/77

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<input checked="" type="checkbox"/>	SIEGEL

mer guidance from you
adjustment of status.

ended, and you approved, us to those undocumented ly in the United States of that status would be stry date in the Immigra- date, in 1965, granted ose undocumented aliens nce 1948.

ens did not begin to the 1970's, the numbers who updating that we originally ential. Those with ecommended that the 1970. That would not have ore undocumented aliens, ded to stay in this

country continuously from ten years to eight years (assuming enactment by January 1, 1978). Eight years seems to us to be a sufficiently long period to merit recognition as a permanent resident alien. In addition, that time period is the one the major Congressional bills contain. All of the agencies involved in this project support this change.

_____ Keep registry date at January 1, 1968

_____ Move registry date to January 1, 1970
(Justice, Labor, State and I recommend)

2) In our earlier memo, we also recommended that those undocumented aliens residing in this country on or before January 1, 1977, and who came forward and registered with the INS, be granted permanent non-deportable status. You questioned why the non-deportable status had to be permanent.

Our consultations have produced a wide split on the advisability of permanent non-deportable status. The options which have emerged are as follows:

- a) Support a non-deportable status for a five year period only.

A five year guaranteed-stay is thought to be a long enough period to induce undocumented aliens to register. Anything shorter would probably be an insufficient incentive. At the end of five years, a decision could be made to extend the permitted stay in the U.S., to grant permanent resident alien status, or to deport. For those groups and Members of Congress opposed to "amnesty," the five year non-deportable option is more appealing than permanent non-deportability. After five years, it will be very difficult to deport these individuals; but the postponement of a final decision for five years (while more information about these individuals is gathered) has an appeal. The Attorney General and Secretary of Labor are now recommending this option. I have no objection. Nor does the State Department.

- b) Support permanent resident alien status for undocumented aliens who have resided in the U.S. for five years.

This is the original task force proposal. It is the option most likely to be regarded as an "amnesty." Its advantage over any "non-deportable" option is that it recognizes from the start what will probably have to be

recognized eventually --- that it is not realistic to deport undocumented aliens who have resided here for a considerable period, and that permanent resident alien status is the easiest way to ease their transition into our society. However, as our last memo indicated, this approach is certain to produce the strongest political opposition. Justice, Labor, and I recommend against.

c) Support permanent non-deportable status.

This was our last recommendation to you. It, too, recognizes the impracticality of deporting undocumented aliens; and is premised on the idea that anything short of permanent non-deportability will be insufficient to induce registration by these aliens. While we have detected some support for this option, most of those consulted would prefer a different option. I do not feel strongly enough about the merits of this option to recommend it in the face of a different recommendation by the Attorney General and the Secretary of Labor ((a) above).

d) Do nothing about adjusting status.

It is possible, of course, to take the position that nothing should be done to adjust the status of undocumented aliens who have come here since January 1, 1970. That alternative appears to have some support in Congress. It has the advantage of avoiding the thorny issue of availability of social services for more recent entrants, but would leave the great bulk of illegals in their current status. It would be strongly rejected by Mexican-American and other ethnic American groups, who generally favor some type of adjustment of status and who believe you have promised (most recently in your California talk show) to grant such an adjustment. It may impede our ability to obtain Senate sponsorship for our proposal from Senators such as Kennedy, who are otherwise supportive of our efforts.

I do not believe there is any option which is clearly preferable to the rest; nor do I believe there is any option which Congress can be predicted, at this date, to support. At this point, I think the 5 year non-deportable status option is the middle ground; it is likely to receive wider support than any of the other options. While I recognize its drawbacks, I can support this option as sufficient to induce registration but insufficient to produce the political opposition of complete "amnesty."

- _____ a) Non-deportable status for five year period (Justice and Labor recommend; I can support)
- _____ b) Permanent resident alien status for those in the country five years
- _____ c) Permanent non-deportable status
- _____ d) Do not adjust status

3) If you support options a), b), or c), two other issues must be addressed:

a) Movement in and out of the country.

We feel it is important that those whose status is adjusted be permitted to leave and re-enter this country during the five year period. If they are permitted to re-enter, we will be encouraging them to stay here permanently. If they can leave and return, they may not return once they leave. That possibility, in our view, is worth granting the right of re-entry during the five year period. This would be consistent with the finding that the average stay in the U.S. by an illegal is only 6 months.

_____ Permit leaving and lawful re-entry
(Labor, Justice and I recommend)

_____ Prohibit lawful re-entry

b) Social Services

On our earlier memo, you indicated that non-deportable aliens should not be eligible for social services (AFDC, Medicaid, Food Stamps), even if they are working and paying taxes. While the Justice Department believes the courts would probably uphold such a prohibition, the States and local governments would feel that they are unfairly being asked to shoulder the full financial burden that the non-deportables might impose. In their view, the Federal Government has an obligation to help with the cost of social services; otherwise, they will be borne completely by the state and local governments.

While there is unfairness in having the States (particularly those like New York and California with heavy concentrations) and local governments pay the complete social service costs for non-deportable aliens, an Administration proposal which permits non-deportables to receive welfare would be very unpopular politically.

Justice, Labor, State and I recommend an approach with two elements:

- (1) Bar all those receiving non-deportable status from receiving federal social service benefits (AFDC, Food Stamps, Medicaid). (States and local governments would, of course, be permitted to provide general assistance if they desire.) While Mexican-Americans and many liberal members of Congress believe non-deportables should be eligible for social services (especially if they are taxpayers), Labor, Justice and I believe the political opposition to permitting such benefits could severely threaten the whole program. The Rodino-Eilberg bill would likewise prohibit such benefits.

Existing law permits deportation of permanent resident aliens who are welfare recipients if they refuse a request to pay back the welfare funds received. Requests are almost never made, and, as a result few permanent resident aliens on welfare are ever deported. Nevertheless, the law remains in force. If necessary, the current law could be amended so that no request was required to repay funds before deportation was in order, and non-deportables could be included in the revised law.

- (2) Permit the presence of non-deportables in a particular geographic area to be reflected in the allocation of funds for those major federal programs whose distributions are based on population. Perhaps the prime example of such a program is Revenue Sharing, but other examples would include CETA, Title I of the Elementary and Secondary Education Act, and Community Development.

The funding allocations could be altered either by changing the programs' formulas to include non-deportables or by having the Census Bureau include non-deportables in the population figures supplied to the various programs. (Either of these alternatives would only be temporary measures;

the 1980 census will reflect all of the deportables).

The purpose of including non-deportables would be twofold:

First, it recognizes that states and local governments do bear costs related to the presence of non-deportables (schools, public recreation, emergency medical care, sanitation, etc.), and they should not be required to bear completely the cost of a federally mandated adjustment of status.

Second, it recognizes that, if federal social services are made unavailable, the states and local governments may vehemently oppose our program; their opposition and that of liberals is likely to be softened by the above approach. This would not increase Federal funds for these programs but merely re-target existing funds to assist areas with heavy concentrations of illegals.

Of course, if population formulas are adjusted to recognize the presence of non-deportables, and the sum total of funds available for such programs are revenue sharing is kept constant, areas without large numbers of non-deportables will clearly be disadvantaged. Their share of the total pie will be reduced. As a result, they will either oppose the suggested allocation changes or will seek additional funds for the programs involved. In announcing the program, we can state that we support only a re-direction of federal funds to reflect true population counts (which must include non-deportables). But there is a risk that additional funds might be appropriated for these programs.

Justice, Labor and I recommend this approach as an imperfect, but politically necessary and administratively possible, approach. Peter Bourne believes the approach has considerable appeal and also recommends it.

_____ Two part approach:

- _____ -- prohibit federal social services for non-deportables (recommended)
- _____ -- change allocation formulas to reflect presence of non-deportables (recommended)

_____ Prohibit federal social services and do not change allocation formulas

_____ Permit federal social services

Date: July 14, 1977

MEMORANDUM

FOR ACTION:

Dennis Green

FOR INFORMATION:

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Eizenstat's memo dated 7/13/77 re Undocumented Aliens -
Final Decisions.YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME:

DAY:

DATE: IMMEDIATE TURNAROUND

ACTION REQUESTED:

☒ Your comments
Other:

STAFF RESPONSE:

☐ I concur.☐ No comment.*Please note other comments below:*

We generally concur with Mr. Eizenstat's recommendations. However, we perceive a problem with respect to the second element of the approach outlined on pp. 5-6.

There are at least forty-seven Federal formula grant programs which use population statistics to determine funding opportunities or entitlements; while we have not had time to research the matter, we do not believe any of the formulas distinguish between U.S. citizens and permanent resident aliens, and we doubt that "non-deportable aliens"--people with legal status--would be treated differently than permanent resident aliens in an official population count. Thus we see no need to amend the formulas to provide for this new group. On the other hand, since it is not clear how this new group will be counted before the next census, we wonder how much emphasis the President should place on the fact that their presence will, in time, change the distribution of formula grant funds.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone. 7052)

Date: July 14, 1977

MEMORANDUM

FOR ACTION:

Dennis Green

1977 JUL 14 PM 6 12

FOR INFORMATION:

The Vice President
Midge Costanza
Hamilton Jordan
Frank Moore
Jack Watson
Joe Aragon

Zbig Brzezinski

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Eizenstat's memo dated 7/13/77 re Undocumented Aliens -
Final Decisions.

YOUR RESPONSE MUST BE DELIVERED
TO THE STAFF SECRETARY BY:

TIME:

DAY:

DATE: IMMEDIATE TURNAROUND

ACTION REQUESTED:

☒ Your comments

Other:

STAFF RESPONSE:

☐ I concur.☐ No comment.

Please note other comments below:

We concur with Shm with the
possible exception of the 5-year
nondeportable status. This is
likely to be a sticky point with
Senator Cranston and Mexican
American groups. If so, we'd drop
it.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required
material, please telephone the Staff Secretary immediately. (Telephone 7052)

Watson/Frank

THE WHITE HOUSE

WASHINGTON

July 18, 1977

Frank Moore -

Re: Korean Investigation Matter
and Proposal to
Appoint a Special Prosecutor

The attached letters were returned in the
President's outbox and are forwarded to
you for delivery.

Rick Hutcheson

cc: The Vice President
Stu Eizenstat
Hamilton Jordan
Bob Lipshutz
Jody Powell
Jack Watson

THE WHITE HOUSE
WASHINGTON

Mr. President:

Hamilton concurs.

TWO SIGNATURES REQUESTED.

Rick (wds)

THE WHITE HOUSE
WASHINGTON

*Get Em
delivered*

ACTION
FYI

<input checked="" type="checkbox"/>	MONDALE
<input type="checkbox"/>	COSTANZA
<input checked="" type="checkbox"/>	EIZENSTAT
<input checked="" type="checkbox"/>	JORDAN
<input checked="" type="checkbox"/>	LIPSHUTZ
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<input checked="" type="checkbox"/>	WATSON

<input type="checkbox"/>	ENROLLED BILL
<input type="checkbox"/>	AGENCY REPORT
<input type="checkbox"/>	CAB DECISION
<input type="checkbox"/>	EXECUTIVE ORDER

Comments due to
Carp/Huron within
48 hours; due to
Staff Secretary
next day

<input type="checkbox"/>	FOR STAFFING
<input type="checkbox"/>	FOR INFORMATION
<input checked="" type="checkbox"/>	FROM PRESIDENT'S OUTBOX
<input type="checkbox"/>	LOG IN/TO PRESIDENT TODAY
<input type="checkbox"/>	IMMEDIATE TURNAROUND

<input type="checkbox"/>	ARAGON
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8/18/77

THE WHITE HOUSE

WASHINGTON

July 14, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: Bob Lipshutz *BL*

SUBJECT: Korean Investigation Matter and Proposal to
Appoint a Special Prosecutor

With reference to the above matter, I am attaching a draft of a proposed letter from you to Senator Baker and Congressman Rhodes, which was prepared by the Attorney General.

I urge you to send this letter, or a similar one, to Senator Baker and Congressman Rhodes. At the same time, I assume that you wish Frank Moore to advise our appropriate Democratic Congressional Leadership of your letter and position.



Office of the Attorney General
Washington, D. C. 20530

July 12, 1977

MEMORANDUM TO: The President
The White House

THRU: Honorable Robert Lipshutz
Counsel to the President

FROM: Griffin B. Bell
Attorney General

Attached is my proposed response to the June 10
letter from Senator Baker and Congressman Rhodes and
the July 6 follow-up from Howard Baker.

Attachment

Griffin B. Bell

THE WHITE HOUSE

WASHINGTON

July 18, 1977

To Senator Howard Baker

I have reviewed your letter to me dated June 10, 1977, recommending on behalf of Republican Congressional leaders that a special prosecutor be appointed to investigate allegations of "... the Korean Central Intelligence Agency's involvement in domestic American politics." After discussions with Attorney General Bell and others, I have decided that appointment of a special prosecutor would be inappropriate and unwarranted, and would probably impede the investigation.

Your letter does not contain any specific information indicating that the Justice Department cannot conduct this investigation adequately. I assure you that any implication that the investigation has not been thorough and impartial is not well founded. I have been advised by Attorney General Bell that, in accordance with sound investigative procedures, the day-to-day conduct of the investigation is in the hands of experienced prosecutors, joined by career investigators of the F.B.I., the I.R.S. and other agencies. In addition, there continues to be active participation by a Federal Grand Jury, which has been meeting twice a week to hear testimony in this matter.

I am also advised by the Attorney General that the investigation is exceedingly thorough. To date, several hundred persons have been questioned, many repeatedly, and more than fifty witnesses have testified before the Grand Jury. Financial and other records, amounting to many thousands of individual documents, have been obtained, usually by grand jury subpoenas, from more than one hundred different sources. I am told that substantial progress is being made.

Your letter suggests that appointment of a special prosecutor is warranted because the controversy "is developing into a pattern of accusation by innuendo and trial by leak." You do not cite any facts to support the notion that media coverage of the matters under investigation has been based on leaks from the Justice Department.

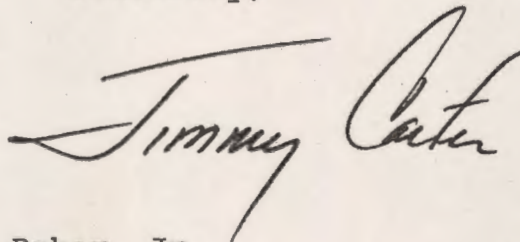
In fact, I am advised by Judge Bell that many of the specific assertions in the press are entirely incorrect; some are unsupported by, and others are directly contrary to, the evidence and information obtained by the Justice Department.

I also believe there is a serious danger that appointment of a special prosecutor at this time would impede the investigation. The investigation has progressed to the point where potential prosecutions have been identified and, in several cases, the evidence-gathering process is nearly completed. The record thus far encompasses thousands of pages concerning hundreds of separate matters which occurred over a period of more than five years. Substitution of new personnel who would be entirely unfamiliar with this material would bring the investigation to a standstill for a number of months.

Finally, no suggestion has been made that members of the present Administration were in any way involved in the alleged illegal activities so as to raise a possible need for extraordinary measures in this investigation. As you know, the activities in question took place before this Administration took office. Furthermore, they involved individuals from both political parties. Attorney General Bell is advised continuously of the progress of the investigation, which is under the direct supervision of the Assistant Attorney General in charge of the Criminal Division.

I appreciate your concerns in this matter, and thank you for your letter. I am satisfied that the investigation is proceeding in a vigorous and impartial manner, and I therefore have determined that appointment of a special prosecutor is neither warranted nor advisable.

Sincerely,

A handwritten signature in cursive script, reading "Jimmy Carter". The signature is written in dark ink and is positioned below the word "Sincerely,".

The Honorable Howard H. Baker, Jr.
Minority Leader
United States Senate
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

July 18, 1977

To Congressman John Rhodes

I have reviewed your letter to me dated June 10, 1977, recommending on behalf of Republican Congressional leaders that a special prosecutor be appointed to investigate allegations of "... the Korean Central Intelligence Agency's involvement in domestic American politics." After discussions with Attorney General Bell and others, I have decided that appointment of a special prosecutor would be inappropriate and unwarranted, and would probably impede the investigation.

Your letter does not contain any specific information indicating that the Justice Department cannot conduct this investigation adequately. I assure you that any implication that the investigation has not been thorough and impartial is not well founded. I have been advised by Attorney General Bell that, in accordance with sound investigative procedures, the day-to-day conduct of the investigation is in the hands of experienced prosecutors, joined by career investigators of the F.B.I., the I.R.S. and other agencies. In addition, there continues to be active participation by a Federal Grand Jury, which has been meeting twice a week to hear testimony in this matter.

I am also advised by the Attorney General that the investigation is exceedingly thorough. To date, several hundred persons have been questioned, many repeatedly, and more than fifty witnesses have testified before the Grand Jury. Financial and other records, amounting to many thousands of individual documents, have been obtained, usually by grand jury subpoenas, from more than one hundred different sources. I am told that substantial progress is being made.

Your letter suggests that appointment of a special prosecutor is warranted because the controversy "is developing into a pattern of accusation by innuendo and trial by leak." You do not cite any facts to support the notion that media coverage of the matters under investigation has been based on leaks from the Justice Department.

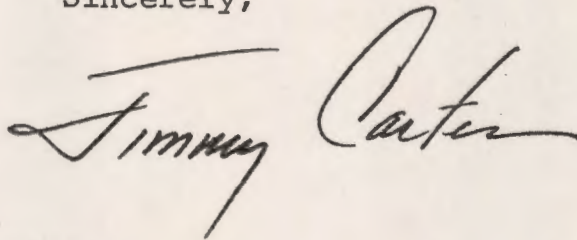
In fact, I am advised by Judge Bell that many of the specific assertions in the press are entirely incorrect; some are unsupported by, and others are directly contrary to, the evidence and information obtained by the Justice Department.

I also believe there is a serious danger that appointment of a special prosecutor at this time would impede the investigation. The investigation has progressed to the point where potential prosecutions have been identified and, in several cases, the evidence-gathering process is nearly completed. The record thus far encompasses thousands of pages concerning hundreds of separate matters which occurred over a period of more than five years. Substitution of new personnel who would be entirely unfamiliar with this material would bring the investigation to a standstill for a number of months.

Finally, no suggestion has been made that members of the present Administration were in any way involved in the alleged illegal activities so as to raise a possible need for extraordinary measures in this investigation. As you know, the activities in question took place before this Administration took office. Furthermore, they involved individuals from both political parties. Attorney General Bell is advised continuously of the progress of the investigation, which is under the direct supervision of the Assistant Attorney General in charge of the Criminal Division.

I appreciate your concerns in this matter, and thank you for your letter. I am satisfied that the investigation is proceeding in a vigorous and impartial manner, and I therefore have determined that appointment of a special prosecutor is neither warranted nor advisable.

Sincerely,

A handwritten signature in cursive script, reading "Jimmy Carter". The signature is written in dark ink and is positioned below the word "Sincerely,".

The Honorable John J. Rhodes
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE
WASHINGTON

Strike Forces

Other Agencies

to the
S/4 Local Law Enforcement

Perkins

THE WHITE HOUSE
WASHINGTON

Ben
Tim

Fred

Revitalized state force
Commerce

Labors

*ILA

Hold plotter

Transfers

* Indictments withheld - 9 VP
50-100 indiv.

THE WHITE HOUSE
WASHINGTON

July 18, 1977

Stu Eizenstat

The attached was returned in the President's outbox today. It is forwarded to you for your information and appropriate handling.

Rick Hutcheson

cc: The Vice President
Hamilton Jordan
Bob Lipshutz
Frank Moore
Jack Watson
Joe Aragon

RE: Undocumented Aliens -- Final
Decisions.

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

July 13, 1977

*Stu -
see me
J*

MEMORANDUM FOR: THE PRESIDENT
FROM: STU EIZENSTAT *Stu*
SUBJECT: Undocumented Aliens - Final Decisions

For the past several weeks, we have used the guidance you supplied on our last undocumented aliens memo to consult with the entire cross-section of interested parties: Members of Congress (principally Eastland, Eilberg, Bentsen, Hathaway, Cranston, Kennedy and Rodino), Governors (at last weekend's conference), Mexican-Americans, Oriental Americans, the AFL-CIO, business groups, and the Mexican government (an inter-agency White House staff team visited top Mexican officials in Mexico two weeks ago; yesterday Secretary Vance and I met with the Mexican Foreign Minister, who left the meeting reasonably satisfied with the outlines of the program).

Those consulted appreciated our efforts; but more importantly, they provided many valuable ideas.

We can finalize this matter with further guidance from you on the one major unresolved issue -- adjustment of status.

1) In our last memo to you, we recommended, and you approved, granting permanent resident alien status to those undocumented aliens who have been present continuously in the United States since January 1, 1968. The granting of that status would be part of a regular updating of the registry date in the Immigration and Nationality Act. The last update, in 1965, granted permanent resident alien status to those undocumented aliens present in the country continuously since 1948.

Because the number of undocumented aliens did not begin to dramatically increase until the 1970's, the numbers who will be benefitted by the updating that we originally recommended would be almost inconsequential. Those with whom we consulted almost universally recommended that the registry be updated to January 1, 1970. That would not have the effect of including a great many more undocumented aliens, but it would lower the time period needed to stay in this

country continuously from ten years to eight years (assuming enactment by January 1, 1978). Eight years seems to us to be a sufficiently long period to merit recognition as a permanent resident alien. In addition, that time period is the one the major Congressional bills contain. All of the agencies involved in this project support this change.

_____ Keep registry date at January 1, 1968

✓

_____ Move registry date to January 1, 1970
(Justice, Labor, State and I recommend)

*no more
liberalization*

2) In our earlier memo, we also recommended that those undocumented aliens residing in this country on or before January 1, 1977, and who came forward and registered with the INS, be granted permanent non-deportable status. You questioned why the non-deportable status had to be permanent.

Our consultations have produced a wide split on the advisability of permanent non-deportable status. The options which have emerged are as follows:

- a) Support a non-deportable status for a five year period only.

A five year guaranteed-stay is thought to be a long enough period to induce undocumented aliens to register. Anything shorter would probably be an insufficient incentive. At the end of five years, a decision could be made to extend the permitted stay in the U.S., to grant permanent resident alien status, or to deport. For those groups and Members of Congress opposed to "amnesty," the five year non-deportable option is more appealing than permanent non-deportability. After five years, it will be very difficult to deport these individuals; but the postponement of a final decision for five years (while more information about these individuals is gathered) has an appeal. The Attorney General and Secretary of Labor are now recommending this option. I have no objection. Nor does the State Department.

- b) Support permanent resident alien status for undocumented aliens who have resided in the U.S. for five years.

This is the original task force proposal. It is the option most likely to be regarded as an "amnesty." Its advantage over any "non-deportable" option is that it recognizes from the start what will probably have to be

recognized eventually --- that it is not realistic to deport undocumented aliens who have resided here for a considerable period, and that permanent resident alien status is the easiest way to ease their transition into our society. However, as our last memo indicated, this approach is certain to produce the strongest political opposition. Justice, Labor, and I recommend against.

c) Support permanent non-deportable status.

This was our last recommendation to you. It, too, recognizes the impracticality of deporting undocumented aliens; and is premised on the idea that anything short of permanent non-deportability will be insufficient to induce registration by these aliens. While we have detected some support for this option, most of those consulted would prefer a different option. I do not feel strongly enough about the merits of this option to recommend it in the face of a different recommendation by the Attorney General and the Secretary of Labor ((a) above).

d) Do nothing about adjusting status.

It is possible, of course, to take the position that nothing should be done to adjust the status of undocumented aliens who have come here since January 1, 1970. That alternative appears to have some support in Congress. It has the advantage of avoiding the thorny issue of availability of social services for more recent entrants, but would leave the great bulk of illegals in their current status. It would be strongly rejected by Mexican-American and other ethnic American groups, who generally favor some type of adjustment of status and who believe you have promised (most recently in your California talk show) to grant such an adjustment. It may impede our ability to obtain Senate sponsorship for our proposal from Senators such as Kennedy, who are otherwise supportive of our efforts.

I do not believe there is any option which is clearly preferable to the rest; nor do I believe there is any option which Congress can be predicted, at this date, to support. At this point, I think the 5 year non-deportable status option is the middle ground; it is likely to receive wider support than any of the other options. While I recognize its drawbacks, I can support this option as sufficient to induce registration but insufficient to produce the political opposition of complete "amnesty."

- ✓
_____ a) Non-deportable status for five year period (Justice and Labor recommend; I can support) J
- _____ b) Permanent resident alien status for those in the country five years
- _____ c) Permanent non-deportable status
- _____ d) Do not adjust status

3) If you support options a), b), or c), two other issues must be addressed:

a) Movement in and out of the country.

We feel it is important that those whose status is adjusted be permitted to leave and re-enter this country during the five year period. If they are permitted to re-enter, we will be encouraging them to stay here permanently. If they can leave and return, they may not return once they leave. That possibility, in our view, is worth granting the right of re-entry during the five year period. This would be consistent with the finding that the average stay in the U.S. by an illegal is only 6 months.

✓ Permit leaving and lawful re-entry (Labor, Justice and I recommend)

_____ Prohibit lawful re-entry

b) Social Services

On our earlier memo, you indicated that non-deportable aliens should not be eligible for social services (AFDC, Medicaid, Food Stamps), even if they are working and paying taxes. While the Justice Department believes the courts would probably uphold such a prohibition, the States and local governments would feel that they are unfairly being asked to shoulder the full financial burden that the non-deportables might impose. In their view, the Federal Government has an obligation to help with the cost of social services; otherwise, they will be borne completely by the state and local governments.

Sta. Does This mean
That if an alien
can slip in illegally
& register, that he/she
has an automatic
5-yr permit? see
me
J

While there is unfairness in having the States (particularly those like New York and California with heavy concentrations) and local governments pay the complete social service costs for non-deportable aliens, an Administration proposal which permits non-deportables to receive welfare would be very unpopular politically.

Justice, Labor, State and I recommend an approach with two elements:

- ok
- (1) Bar all those receiving non-deportable status from receiving federal social service benefits (AFDC, Food Stamps, Medicaid). (States and local governments would, of course, be permitted to provide general assistance if they desire.) While Mexican-Americans and many liberal members of Congress believe non-deportables should be eligible for social services (especially if they are taxpayers), Labor, Justice and I believe the political opposition to permitting such benefits could severely threaten the whole program. The Rodino-Eilberg bill would likewise prohibit such benefits.

Existing law permits deportation of permanent resident aliens who are welfare recipients if they refuse a request to pay back the welfare funds received. Requests are almost never made, and, as a result few permanent resident aliens on welfare are ever deported. Nevertheless, the law remains in force. If necessary, the current law could be amended so that no request was required to repay funds before deportation was in order, and non-deportables could be included in the revised law.

- ok
- (2) Permit the presence of non-deportables in a particular geographic area to be reflected in the allocation of funds for those major federal programs whose distributions are based on population. Perhaps the prime example of such a program is Revenue Sharing, but other examples would include CETA, Title I of the Elementary and Secondary Education Act, and Community Development.

The funding allocations could be altered either by changing the programs' formulas to include non-deportables or by having the Census Bureau include non-deportables in the population figures supplied to the various programs. (Either of these alternatives would only be temporary measures;

- 6 -

the 1980 census will reflect all of the deportables).

The purpose of including non-deportables would be twofold:

First, it recognizes that states and local governments do bear costs related to the presence of non-deportables (schools, public recreation, emergency medical care, sanitation, etc.), and they should not be required to bear completely the cost of a federally mandated adjustment of status.

Second, it recognizes that, if federal social services are made unavailable, the states and local governments may vehemently oppose our program; their opposition and that of liberals is likely to be softened by the above approach. This would not increase Federal funds for these programs but merely re-target existing funds to assist areas with heavy concentrations of illegals.

Of course, if population formulas are adjusted to recognize the presence of non-deportables, and the sum total of funds available for such programs are revenue sharing is kept constant, areas without large numbers of non-deportables will clearly be disadvantaged. Their share of the total pie will be reduced. As a result, they will either oppose the suggested allocation changes or will seek additional funds for the programs involved. In announcing the program, we can state that we support only a re-direction of federal funds to reflect true population counts (which must include non-deportables). But there is a risk that additional funds might be appropriated for these programs.

Justice, Labor and I recommend this approach as an imperfect, but politically necessary and administratively possible, approach. Peter Bourne believes the approach has considerable appeal and also recommends it.

- ✓ Two part approach: ✓
- -- prohibit federal social services for non-deportables (recommended)
 - -- change allocation formulas to reflect presence of non-deportables (recommended)
 - Prohibit federal social services and do not change allocation formulas
 - Permit federal social services